

# KIRBY MCINERNEY & SQUIRE, LLP

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IRVING MALCHMAN, OF COUNSEL

## VIA E-FILING

July 5, 2005

Clerk of the Court  
United States District Court for the District of Massachusetts  
Suite 2300  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, Massachusetts 02210

Re: The City of New York and Captioned New York Counties (MDL 1456)  
(No. 01-CV-12257-PBS)

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matters please find the July 1, 2005 status report for The City of New York and Captioned New York Counties.

Sincerely,

/s/ Aaron D. Hovan  
Aaron D. Hovan

Enclosures  
cc: All Parties on Verilaw

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

*The City of New York v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 04-CV-06054

*County of Albany v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0425

*County of Allegany v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0236

*County of Broome v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00456

*County of Cattaraugus v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0256

*County of Cayuga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0423

*County of Chautauqua v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-0214

*County of Chenango v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0354

*County of Fulton v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0519

*County of Genesee v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-00267

*County of Greene v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0474

*County of Herkimer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00415

*County of Jefferson v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0715

*County of Madison v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0714

*County of Monroe v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-1648

*County of Niagara v. Abbott Laboratories, Inc., et al.*

**JULY 1, 2005**

**STATUS REPORT FOR  
THE CITY OF NEW YORK  
AND CAPTIONED NEW  
YORK COUNTIES**

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W.D.N.Y. Case No. 05-CV-6296

*County of Oneida v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0489

*County of Onondaga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0088

*County of Putnam v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 05-CV-4748

*County of Rensselaer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00422

*County of Rockland v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-7055

*County of St. Lawrence v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0479

*County of Saratoga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0478

*County of Steuben v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6223

*County of Suffolk v. Abbott Laboratories, Inc., et al.*  
E.D.N.Y. Case No. 03-CV-12257

*County of Tompkins v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0397

*County of Warren v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0468

*County of Washington v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0408

*County of Wayne v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6138

*County of Westchester v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-6178

*County of Yates v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-06172

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The undersigned counsel for the Captioned-plaintiffs (hereinafter referred to as the "City of New York and Captioned New York Counties") hereby submit the attached

status report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Date: July 1, 2005 New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

Joanne M. Cicala

Aaron D. Hovan

James P. Carroll

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**COUNSEL FOR CITY OF NEW YORK AND  
CAPTIONED NEW YORK COUNTIES**

**MDL 1456 Status Report for the City of New York and Captioned New York Counties**

**Consolidated Complaint**

On June 15, 2005 the City Of New York and Captioned New York Counties filed a motion for leave to file their Consolidated Complaint and Exhibits under seal, which filing included a sealed version of such Consolidated Complaint and Exhibits. On that same date, the City of New York and Captioned New York Counties served a redacted version of the Consolidated Complaint and Exhibits on Verilaw.

By Order dated June 23, 2005, the Hon. Patti B. Saris directed the Clerk not to accept the filing of the Consolidated Complaint under seal until defendants had established the bases for the redactions as to each of them. The June 23, 2005 Order provided defendants 10 days in which to make their showing.

**Anticipated Filings**

The parties presently will file a joint motion with the Court seeking a modification of the June 23, 2005 order such that the time for defendants to make their showing shall run from ten (10) days after defendants each informally receive a copy of the Consolidated Complaint and Exhibits, redacted as to all defendants except the recipient.

The City of New York and Captioned New York Counties will request a Status Conference and the entry of a Case Management Order by a motion to be filed soon.

**Certificate of Service**

I certify that on July 5, 2005 a true and correct copy of the foregoing July 1, 2005 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan  
Aaron D. Hovan